

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERTO LOPEZ,
also known as Miguel A. Dotel Sierra,

Petitioner,
v.

MICHAEL DITTAMAN,

Respondent.

ORDER

Case No. 16-cv-754-jdp

Petitioner Roberto Lopez seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner requests leave to proceed without prepayment of the filing fee. Petitioner has supported this request with an affidavit of indigency and a six-month trust account statement from the institution.

In determining whether to allow a prisoner to proceed without prepayment, this court uses the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from petitioner's trust fund account statement, I find that petitioner is able to pay the filing fee. Accordingly, I will deny petitioner's application for leave to proceed without prepayment of the filing fee. To proceed further on this habeas petition, petitioner must pay the \$5 filing fee. If petitioner fails to pay the fee by December 13, 2016, the petition, I will assume that petitioner wishes to withdraw this petition.

ORDER

IT IS ORDERED that:

1. Petitioner Roberto Lopez's motion for leave to proceed without prepayment of the filing fee is DENIED. Petitioner has until December 13, 2016 in which to pay the \$5 filing fee.

2. If by December 13, 2016 petitioner fails to submit the \$5 filing fee, I will assume that petitioner wishes to withdraw this petition.

Entered this 18th day of November, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge